

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0046
)	
CHRISTOPHER LLOYD TURNBULL,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is Christopher Lloyd Turnbull's ("Turnbull") Unopposed Motion to Continue Trial, currently scheduled for November 8, 2021. For the reasons stated herein, the Court will grant the motion to continue. The time to try this case is extended up to and including January 4, 2022.

On September 20, 2021, Turnbull, by and through counsel, filed a motion to continue trial, ECF No. 48. In the motion, Turnbull asserts that his counsel will be unavailable due to medical leave. Turnbull requests the trial date be continued until December 13, 2021, or later, to accommodate counsel's medical needs. The United States does not oppose the motion.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. Here, an extension is necessary to allow Defense counsel time for necessary medical treatment.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "an 'ends of justice' continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994); *United States v. Bush*, 741 Fed. Appx. 110, 117 (3d Cir. 2018) ("The District Court did not abuse its discretion in continuing the trial to accommodate [defense] counsel's serious medical needs."); *see also United States v. Dignam*, 716 F.3d. 915, 922 (5th Cir. 2013) (finding that the open-ended continuance to accommodate the surgical and recovery needs of counsel, which

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resulted in a seven-month delay of trial, was not extreme in length and was reasonable under 18 U.S.C. § 3161(h)(7)(A)).

Moreover, in response to the current conditions in the COVID-19 pandemic, the undersigned, as Chief Judge of the District Court of the Virgin Islands, issued a general order concerning operations of the Court on September 30, 2021, suspending all jury trials through October 31, 2021.¹ The Court hereby fully incorporates the findings from the Court's Twenty-Seventh Operations Order as fully stated herein.

To date, the COVID-19 virus has claimed more than 722,000 lives in the United States (78 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. As such, the Court finds that extending the period within which Defendant Turnbull may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendant, the jury, the prosecutors, the witnesses, the Court's personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that Defendant Turnbull's motion to continue the trial date, ECF No. 48, is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting an extension through January 4, 2022, **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; and it is further

ORDERED that the jury selection and trial in this matter **SHALL** commence promptly at 9:00 a.m. on January 4, 2022, in St. Thomas Courtroom 1.

Dated: October 26, 2021

/s/Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

¹ <https://www.vid.uscourts.gov/sites/vid/files/general-ordes/Twenty-Seventh%20Order%20Concerning%20Court%20Operations%20During%20COVID%20Outbreak.pdf>